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09/812,163	03/19/2001	Keiji Yuzawa	SONYJP 3.0-147	9368

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EXAMINER	
PEREZ DAPLE, AARON C	
ART UNIT	**PAPER NUMBER**
2154	7

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/812,163	Applicant(s) YUZAWA, KEIJI
	Examiner Aaron Perez-Daple	Art Unit 2121 2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 March 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *3/11/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Action is in response to Application filed 3/19/01, which has been fully considered.

2. Claims 1-24 are presented for examination.

3. This Action is non-Final.

Claim Objections

4. Claim 1 is objected to because of the following informalities: Line 2 ends in a colon where it should end in a semi-colon. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claims 21-24** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, in lines 2-5 of claim 21 it is not clear if the receiver receives both items of information and "access priority information" or if the receiver receives items of information and accesses "priority information." In the former case, the priority information would be transmitted with the items of information. In the latter case, the priority information could be stored in the receiver and accessed locally. For the purpose of applying prior art, the Examiner finds that either interpretation meets the limitations of the claim.

7. As a dependent claims, claims 22-24 suffers from the same deficiencies as claim 21.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. **Claims 1-5, 8, 9, 13, 14, 17, 18, 21 and 22** are rejected under 35 U.S.C. 102(b) as being anticipated by Bedard (US 5,801,747) (hereinafter Bedard).

10. As for claims 1 and 13, Bedard discloses an information processing method, comprising:

providing a user terminal (television; col. 1, lines 30-38, "More recent alternatives...viewer's television screen."):

transmitting items of information to said user terminal (col. 1, lines 30-38, "More recent alternatives...viewer's television screen.");

receiving and storing said transmitted items of information in said user terminal (col. 3, lines 32-62, "In accordance with...the viewer interface.");

determining an access priority for each of said stored items of information (col. 6, lines 23-27, "In this manner...in array 200."); and

arranging said stored items of information in an order according to said access priorities (col. 6, lines 23-27, "In this manner...in array 200.").

11. As for claim 2, Bedard discloses the information processing method according to claim 1, further comprising:

assigning to each of said items of information at least one category from a plurality of categories (col. 4, lines 49-65, "Each entry 202...on viewer behavior.");

associating with each of said items of information category attribute information corresponding to said at least one category (col. 4, lines 49-65, "Each entry 202...on viewer behavior."); and

in said transmitting step, transmitting said category attribute information in association with each of said items of information (col. 3, lines 32-62, "In accordance with...the viewer interface.").

12. As for claims 8 and 17, Bedard discloses an information processing method and apparatus, comprising:

providing a user terminal (television; col. 1, lines 30-38, "More recent alternatives...viewer's television screen.");

transmitting items of information to said user terminal (col. 1, lines 30-38, "More recent alternatives...viewer's television screen.");

receiving and storing said transmitted items of information in said user terminal (col. 3, lines 32-62, "In accordance with...the viewer interface.");

determining an access priority for each of said stored items of information (col. 6, lines 23-27, "In this manner...in array 200."); and

deleting at least one of said stored items of information from said user terminal in an order beginning with said item of information having the lowest access priority (col. 5, lines 16-33, "Viewer profile array...the present invention.").

13. As for claim 21, Bedard discloses an information receiving apparatus, comprising:

a receiver operable to receive items of information transmitted from an information distribution center and access priority information associated with each of said items of information (col. 3, lines 33-62, "In accordance with...the viewer interface."; col. 4, lines 49-65, "Each entry 202...on viewer behavior.");

a selecting unit operable to determine an access priority for each of said received items of information on the basis of said access priority information associated therewith, and to select a group of said items of information for which said access priority is high relative to said access priority of a remainder of said items of information (col. 3, lines 33-62, "In accordance with...the viewer interface."; col. 7, lines 19-27, "In accordance with...by a viewer."); and

an information storing unit operable to store said items of information in said group (col. 4, lines 27-37, "Fig. 2 discloses...at that time.").

14. As for claims 3, 9, 14, 18 and 22, Bedard discloses the information processing method and apparatus according to claims 2, 8, 13, 17, and 21 further comprising:

accessing at least some of said stored items of information (col. 3, line 63 - col. 4, line 37, "While monitoring...at that time.");

determining said category of each of said accessed items of information from said category attribute information associated therewith (col. 4, lines 49-65, "Each entry 202...on viewer behavior.");

counting a number of times each of said items of information in each of said plurality of categories has been accessed to define a count value for each of said plurality of categories (col. 4, lines 49-65, "Each entry 202...on viewer behavior.");

determining an access tendency of a user from said count values of said plurality of categories (col. 4, lines 49-65, "Each entry 202...on viewer behavior."; col. 7, lines 19-27, "In accordance with...by a viewer."); and

determining said access priority for each of said items of information from said access tendencies (col. 4, lines 49-65, "Each entry 202...on viewer behavior."; col. 7, lines 19-27, "In accordance with...by a viewer.").

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

15. **Claims 4-7, 10-12, 15, 16, 19, 20, 23 and 24** are rejected under 35 U.S.C. 103(a) as being obvious over Bedard in view of Alexander (US 6,177,931 B1) (hereinafter Alexander).

16. As for claims 4-6, 10, 11, 15, 16, 19, 20 and 23, although it may be argued that Bedard inherently teaches the limitations of the claims since the information for display is inherently transmitted according to a predetermined priority, as known to one of ordinary skill in the art (e.g. based on channel number and/or program time, for example), Bedard does not *specifically* disclose associating with each of said items of information priority attribute information corresponding to the priority and then transmitting this priority attribute information. Alexander teaches associating with each of said items of information priority attribute information corresponding to the priority, transmitting this priority attribute

information, and determining the access priority based on the priority attribute information for the purpose of displaying information based on the level of an advertiser's investment (col. 26, line 45 - col. 27, line 7, "Ads can rotate...relative viewer's profile."). It would have been obvious to one of ordinary skill in the art to modify Bedard by associating with each of said items of information priority attribute information corresponding to the priority, transmitting this priority attribute information, and determining the access priority based on the priority attribute information, for the purpose of displaying information based on an advertiser's level of investment, as taught by Alexander above.

17. As for claims 7, 12, 16, 20 and 24, Bedard discloses an information processing method similar to claims 6, 11, 13, 17 and 21 further comprising:

accessing at least some of said stored items of information (col. 3, line 63 - col. 4, line 37, "While monitoring...at that time.");

determining said category of each of said accessed items of information from said category attribute information associated therewith (col. 4, lines 49-65, "Each entry 202...on viewer behavior.");

counting a number of times each of said items of information in each of said plurality of categories has been accessed to define a count value for each of said plurality of categories (col. 4, lines 49-65, "Each entry 202...on viewer behavior.");

determining an access tendency of a user from said count values of said plurality of categories (col. 4, lines 49-65, "Each entry 202...on viewer behavior."; col. 7, lines 19-27, "In accordance with...by a viewer.");

determining said access priority for each of said items of information on the basis of said access tendencies (col. 4, lines 49-65, "Each entry 202...on viewer behavior."; col. 7, lines 19-27, "In accordance with...by a viewer.").

Although Bedard teaches providing targeted advertising based on a viewer profile (col. 8, lines 16-21, "In yet another...individuals or communities."), which may be argued to inherently include the following steps, Bedard does not specifically disclose determining a priority from said priority attribute information and using this priority in conjunction with the access tendency to determine the access priority. Alexander teaches determining a priority from priority attribute information and using this to determine the access priority for the purpose of displaying information based on the level of an advertiser's investment (col. 26, line 45 - col. 27, line 7, "Ads can rotate...relative viewer's profile."). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bedard by determining a priority from said priority attribute information and using this priority in conjunction with the access tendency to determine the access priority for the purpose of displaying information based on the access tendencies of the user and the level of an advertiser's investment, as taught by Alexander above.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 5,848,396, note abstract; US 6,493,688 B1, note teaches assigning priorities based on first and second attributes; US 6,727,914 B1, note recommended programming

based on decision trees using program attribute information; US 6,614,987 B1, note Figs. 1 and 3; WO 93/07566, note abstract.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Perez-Daple whose telephone number is 703-305-4897. The examiner can normally be reached on 9am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 703-305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

6/2/04

Aaron Perez-Daple

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